

4/27/78

BB:

OLC #78-2002/I

Per your request, a copy
of State's letter to Chairman
Speakerman. Thanks for your
efforts and cooperation.

/s/ Isaac Alba



DEPARTMENT OF STATE

Washington, D.C. 20520

JUN 27 1978

Dear Mr. Chairman:

In addition to the views set out in Secretary Vance's letter of June 26, and my transmittal of June 23, I would like to transmit the Administration's views on certain other provisions of S. 3076, the "Foreign Relations Authorization Act, Fiscal Year 1979."

Section 131 would authorize a fourth Executive Level III position in the Department of State by creating the position of Under Secretary for Management at Level III in lieu of the current Deputy Under Secretary for Management, now at Level IV. Senior management positions do not exceed Executive Level IV in Cabinet agencies. Upgrading this position to Level III not only would distort the balance among agencies, but would also place a manager at a level which would be equal to or higher than all of the policy positions in the Department other than the Secretary or the Deputy Secretary. Accordingly, Section 131 should be deleted.

Section 501 of the Senate bill also presents some problems. The Administration supports the intent of the section and believes that, if judiciously administered, the section can enhance the coherent and effective conduct of United States foreign policy. The establishment of a central point of review to ascertain whether proposed international agreements are consistent with and form an effective part of United States foreign policy, is appropriate and desirable. The Administration believes, however, that this can be adequately attained by requiring prior consultation, rather than approval, of the Secretary of State or the President. The requirement of approval introduces an element of rigidity that is likely to complicate and impede unduly the execution of the government's

The Honorable
John Sparkman, Chairman,
Foreign Relations Committee,
United States Senate.

business. Accordingly, the Administration recommends the substitution of the words "consultation with" for the words "approval of" in the proposed subsection 112(c)(1)(A) of Title I of the United States Code. In addition, subsection 112(c)(1)(B) should be revised to read: "Such consultation may encompass a class of agreements rather than particular agreements."

The Administration opposes subsection 501(a) which would require that oral agreements be reduced to writing and reported to the Congress. Such a provision would be extremely difficult if not impossible to enforce. Subsection 501(b) requiring that the President report annually the reasons for late transmittal by the State Department of international agreements is not necessary. Reasons for late transmittals are regularly transmitted to the Congress by the Assistant Legal Advisor for Treaty Affairs of the Department of State. This provision will not provide additional information to the Congress. The President should not be burdened with a task that is already being performed and which is of a routine nature.

Finally, the Administration is reviewing Section 119(2) and we will provide additional comments on that section when the review has been completed.

Sincerely,



Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations